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24 July 2007

Mr. Stephen Gardner, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street
Leesburg, VA 20177

RE: ZMAP 2006-0024 ~ Community Corner
SPEX 2006-0037 ~ Community Corner Fast Food Restaurant
SPEX 2006-0038 ~ Community Corner Convenience Store/Gas

Dear Mr. Gardner:

On behalf of the applicant we hereby request the withdrawal of the Special Exception Application for the Community Corner Convenience Food Store with Accessory Gas Pumps (SPEX 2006-0038) from County review.

We wish to request this application be scheduled for the next available Public Hearing date in September 2007.

The following are our responses to your comments dated 6 April 2007 on the above referenced project.

Virginia Department of Conservation & Recreation

No Outstanding Issues

Loudoun County Sanitation Authority (LCSA)

No Outstanding Issues

Loudoun County Health Department



ATTACHMENT 3

Comment

All the proposed lots and structures are properly served by public water and public sewer

Response

It is acknowledged that all proposed lots and structures will be properly served by public water and sewer.

Comment

All existing wells and drainfields are shown on future plats.

Response

It is acknowledged that all existing wells and drainfields will be shown on future plats.

Comment

All existing wells and drainfields are properly abandoned (Health Department permit required) prior to submission of record plat or razing of the structure, whichever is first.

Response

It is acknowledged that all existing wells and drainfields will be properly abandoned (Health Department permit required) prior to submission of record plat or razing of the structure, whichever is first.

Building and Development, Zoning Comments

Comment

Section 4-201 – The purpose of the PD-CC-CC zoning district is to provide community shopping centers in locations recommended by the Comprehensive Plan. This proposal does not provide a shopping center and is not located in an area recommended by the Comprehensive Plan. Additionally, the proposal is not carefully organized is not designed to reduce traffic and does not propose a range of services. As the proposal represents a significant deviation from the purpose of the PD-CC-CC zoning district, Zoning Administration cannot support the proposal as currently designed.

Response

The building and parking layouts are revised to meet the definition of “shopping center” to include “interconnected walkways and access ways designed to facilitate customer interchange between the uses” and “shared common parking areas”. Please note that pursuant to a Pre-Application Meeting, Community Planning acknowledges that the proposed uses can support the residential areas to the south.

Comment

As several of the proposed uses are Special Exception uses under the existing CLI zoning, it is not evident why a rezoning is necessary. Additionally, the existing zoning of the site more closely matches the policies contained within the Revised General Plan than the proposed zoning of the site. Staff defers to Community Planning for further comment.

Response

The rezoning is necessary so that the client's objective to subdivide is not constrained by the minimum lot requirements that are a part of the CLI zoning district. The lot size requirement of the CLI zoning district does not allow the client to create the number of individual parcels needed for this development. In addition, the construction of Tall Cedars Parkway through the property will be a proffered condition of the rezoning. A draft Proffer Statement shall be provided under separate cover.

Comment

Staff questions how the applicant will obtain access to the northwestern portion of the site. Although access is currently shown through the Sarswati property, this site is currently vacant. Staff defers to the Office of Transportation Services for further comment.

Response

As noted, access to the northwestern portion of the site will be accessed through the Sarswati property. Please refer to the recently submitted Sarswati SPEX and ZMOD application.

Comment

Any proposed uses in the PD-CC-CC district (such as those located at the northwest of the site) with access through the CLI district must be permitted within the PD-CC-CC district as well as the CLI district. This is due to the fact that access ways can only provide access to uses which are permitted within the zoning district in which they are located.

Response

As already noted, the uses proposed on the CDP are permitted either by-right or by special exception within both zoning districts.

Comment

Section 4-202(B) – The applicant has not described the communities which are to be served by this development, nor have they addressed how the proposed uses shall be sited to complement the character of the surrounding community.

Response

The Statement of Justification describes the communities to which the project will serve, and are hereby restated for your convenience: Stone Ridge, Kirkpatrick Farms, Geenfield Crossing, Braddock Corner, Avonlea, Little River Commons, etc. This development will also serve smaller non-descript communities in

between. The development will complement the surrounding community by providing the necessary setbacks, buffers and landscape screening. The development may also conform to the standards set forth in the Route 50 Corridor Design Guidelines.

Comment

Section 4-204(B)(4) – The applicant has requested a Special Exception for gas pumps accessory to a convenience food store, yet Sheets 1 and 4 of the plan set show a gas station. The applicant must clarify whether the proposed use is an automobile service station or a convenience store with accessory gas pumps. In either instance, the applicant must demonstrate that the proper facilities are principal and/or accessory. The applicant may wish to consider applying for a Special Exception for both facilities in the event that the accessory status of either cannot be established. Note that in this instance, both facilities would require separate pay facilities.

Response

The convenience store with accessory gas pumps is no longer a part of the application. However, it is replaced with a retail/office building, which will have less of an environmental impact.

Comment

Sections 4-205(C)(1)(b) and 4-206(E) – The applicant has requested a modification of these requirements to allow the setback and required yard to be measured from the centerline of the right-of-way rather than from the property line. It is incorrect to request a modification in this manner. Request a reduced setback/yard, or modify the sections of the Ordinance which require yards/setbacks to be measured from property lines. Be advised that the modification, as currently requested, does not improve upon the existing regulations, is not of an innovative design, and does not exceed the public purpose of the existing regulation as required by Section 6-1504. Staff also notes that the submitted plan fails to demonstrate the necessity of the proposed modification. As such, Staff cannot support the proposed modifications.

Response

This requested modification is no longer a part of this application. However, the applicant does seek a modification of the 100' setback from a residential district along the southern most property line. The requested reduction is to move the setback to 45' along a portion of the southern most property line. We refer to the Statement of Justification for the official request.

Comment

Section 4-205(C)(3) – A ten foot yard is incorrectly shown adjacent to the Sarswati property. As this property is zoned CLI, the 35' yard required by this Section is applicable. Staff notes that parking is shown within this yard and must be removed.

Response

The 35' yard is now shown on the plan. Parking is also revised so that it is out of the 35' yard.

Comment

Section 4-206(B) – The Cover sheet of the plan set currently states that the floor area ratio is 2.0 on individual lots. This reference needs to be clarified to state that a maximum floor area ratio of 2.0 is permitted on individual lots provided that the floor area ratio of the PD-CC-CC district does not exceed 0.40.

Response

As requested, the note is revised to state that the F.A.R. of .40 may not be exceeded within the PD-CC-CC district. See Sheet 1 under "Area Tabulations".

Comment

Section 4-206(F) – While Staff does not believe that this proposal is a community shopping center, a pedestrian circulation plan must be provided which accomplishes the following:

- (a) Minimizes conflict between pedestrians and moving motor vehicles.
- (b) Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage.
- (c) Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways.
- (d) Provides a convenient and safe access to surrounding residential neighborhoods, stores and shops.

Response

A pedestrian circulation plan is provided for onsite activity. See Sheet 3. This plan minimizes conflicts between pedestrians and vehicles by routing main traffic around the perimeter of the shopping center, thereby creating an island for all pedestrians to visit the stores safely. The plan also provides crosswalks and sidewalks to and from parking areas.

In order to provide safe and convenient pedestrian access to the surrounding areas, pathways are provided along Tall Cedars Parkway and West Spine Rd as shown on Sheet 3.

Comment

Section 4-207(D) – Commercial buildings must be so grouped in relation to parking areas that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement. The submitted plans fail to demonstrate how the applicant has complied with this requirement.

Response

The revised layout of the buildings and parking now allow customers to visit all of the proposed establishments with minimal automotive movement. The buildings are also grouped and connected so that all establishments can be visited by accessible walkways that are separate from vehicle movements.

Comment

Section 5-617 – Freestanding convenience food stores are subject to the standards of this Section. Be advised that if the store is located within 200 feet of a residentially zoned, used, and/or planned district or land bay, an acoustical barrier, such as landscaping, berms, fences and/or walls must be provided to attenuate noise to levels required by Section 5-1507.

Response

Acknowledged however, the applicant is no longer seeking a convenience food store with accessory gas pumps.

Comment

Section 5-659 – Pharmacies and banks/financial institutions with drive-through facilities are subject to standards of this Section. The plans currently do not show drive-through facilities in all of these areas, despite the application materials stating that they should be provided. More detail must be provided for these facilities for staff to ensure that these standards shall be maintained. Also, be advised that several of the proposed facilities will be subject to the strict buffering standards of Section 5-659(A) and that staff questions the suitability of the proposed tree preservation area in meeting these standards.

Response

The plans show the drive-through facilities for the banks, pharmacy and the fast food restaurant. See the Illustrative Plan on Sheet 5. Sufficient depth is provided to meet the landscaping requirements contained in Section 5-659 and 5-1400. Additional landscape will be provided to enhance any tree preservation areas, in order to meet zoning requirements.

Comment

Section 5-1100 – There are several inconsistencies and errors with the parking information provided on the plan. The parking information either needs to correctly reference Ordinance requirement and be provided in a manner which conforms to those requirement, or be removed. Should the information be removed, a note should be added to the plan set which states that the site shall comply with the requirements of Section 5-1100.

Response

The parking tabulations are removed from the cover sheet. A note stating that the site shall comply with the requirements of Section 5-1100 is added to the cover sheet. See Note 18.

Comment

Section 5-1400 – The required buffer yards should be shown on the plan set. A note should be added which states that the requirements of Section 5-1300 and 5-1400 shall be met unless a modification is approved. Staff notes that the BMP facility proposed is currently within the area where a buffer is required.

Response

The buffer yards are shown on the plan set. A note is added to the cover sheet stating that the requirements of Section 5-1300 and 5-1400 shall be met. See Note 20. Any BMP facility that must be devoid of landscape planting shall be located outside of the required buffer yards.

Comment

Section 5-1504 – Revise note 10 on Sheet 1 to reference that the sites shall comply with the lighting requirements of Section 5-1504 of the Ordinance.

Response

Note 10 on Sheet 1 has been revised to reference that sites shall comply with the lighting requirements of Section 5-1504 of the Ordinance.

Comment

Sections 6-1211(E)(2) & (14) – The applicant has not addressed what changing conditions exist which make commercial uses preferable to the existing residential zoning of a portion of the site especially in light of the fact that properties to the east, south and west of the site contain residential uses.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Sections 6-1211(E)(3) & 6-1310(E) – As stated previously, the properties to the east, south and west of the site contain residential uses. The applicant has failed to address, within the statements of justification, how the proposed uses are compatible with these residential uses, or what is being done to mitigate the incompatibility.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Sections 6-1211(E)(4), 6-1211(E)(&), 6-1310(J) & 6-1310(O) – Within the statements of justification, explain in more detail the finding of the traffic study. Specifically address the additional trips per day which will be created by the rezoning of this parcel from a lower density single family residential district to a commercial district containing several high traffic users.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Section 6-1211(E)(8) – The applicant has not addressed whether a reasonable economic use of the subject property exists within the current zoning. Staff notes that a majority of the site's current zoning designation is being maintained, which indicates that a rezoning is not necessary to obtain a reasonable economic use. Additionally, the applicant has not explained why it is necessary to remove all residential zoning from the property. Staff also notes that several of the proposed uses would be permitted on the commercial zoned portion of the site with the approval of a Special Exception.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Section 6-1211(E)(9) – As the applicant will be removing delineated wetlands during the development process, the applicant should expand upon the measure that will be taken to mitigate this impact within the statement of justification.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Sections 6-1211(E)(11) & (12) – Staff notes that the majority of the subject site is already zoned for commercial uses and therefore could already address the needs of the growing community. Expand upon why this proposal is a necessary improvement.

Response

See the revised Statement of Justification submitted with this submission.

Comment

Section 6-1508(A) – On the Concept Development Plan, the applicant has failed to provide the maximum gross floor area for the entire proposed project and has also failed to provide this information for the proposed subareas. Provide maximum figures, rather than approximations in all instances. Additionally, the Concept Development Plan fails to list all of the applicable performance standards (from Section 5-600) for the uses proposed.

Response

The maximum gross floor area is provided on the cover sheet under the "Area Tabulations". Approximations are given based on the CDP being conceptual in nature. Please note that the actual figures are not to exceed the maximums stated. The actual figures will be provided at the site plan stage and upon final

engineering. Also, all applicable performance standards from Section 5-600 are listed on the cover sheet. See Note 5.

Comment

It is recommended that the applicant separate the Concept Development Plan from the Special Exception Plat, for ease of administration in the future. Be advised that it is unnecessary for the Special Exception Plat to contain uses which are not subject to the Special Exception application, as it currently does.

Response

Your recommendation is acknowledged; however, the applicant wishes to keep them together. Please note that the Special Exception Plat is revised to only highlight the fast food restaurant use. The other uses are shown grayed out in order to demonstrate the connection to the other uses within the development. See Sheet 4.

Comment

The Special Exception Plat should not include a note stating that the building and parking layout is illustrative, as the purpose of the Special Exception process is for staff to clearly identify and mitigate the impacts of the proposed uses and their associated structures. See Section 6-1301.

Response

We respectfully request that the note remain. However, the note is now revised to state that the layout shown is subject to final engineering of the subsequent site plans. Please note that the buildings and parking spaces shall not encroach the depicted buffer yards and setbacks on the CDP.

To assist your review, the total number of parking spaces provided for Subareas 3-6 is 196. This total allows for all of the proposed uses as shown on the CDP/SPEX to meet the required minimum parking spaces. The loading and stacking spaces also meet the minimum requirements per the Revised 1993 Zoning Ordinance.

Comment

Provide the exact acreage of the site which is being rezoned to PD-CC-CC so that the development potential of the site may be determined.

Response

The exact acreage of the site that is being rezoned to PD-CC-CC has been provided so that the development potential of the site may be determined. See the "Area Tabulations" on Sheet 1.

Comment

Be advised that if Gum Spring Road is to be abandoned prior to development of the sites, it is not necessary to provide the required yards and setbacks from that road, but rather, the 100' required yard from residential districts would be

required. Also be advised that the development potential of the site shall be significantly impacted by the additional acreage that shall be gained.

Response

Acknowledged.

Comment

The title of the plan set should be updated to state that a Special Exception Plat and Concept Development Plan are contained within the plan set.

Response

The title of the plan set has been updated stating that a Special Exception Plat and Concept Development Plan are contained within the plan set.

Comment

Revise Note 1 on Sheet 1 to state that the properties are within the Ldn 60 1-mile buffer of the Airport Impact Overlay District.

Response

Note 1 on Sheet 1 has been revised stating that the properties are within the Ldn 60 1-mile buffer of the Airport Impact Overlay District.

Comment

Correct Note 4 on Sheet 1 to state that the proposed convenience store shall have accessory gas pumps, as this is the correct permitted use.

Response

Note 4 on Sheet 1 is revised to reflect the change of the convenience food store with accessory gas pumps to a office/retail establishment.

Comment

Correct the reference, on Sheet 1, to gas stations being required to have a minimum lot size of 50,000 square feet. Section 5-617 is applicable to freestanding convenience food stores, not gas stations.

Response

The reference is now removed since it is no longer a part of the application.

Comment

Staff questions why the area tabulation on Sheet 1 contains approximations rather than exact figures. Staff additionally questions whether the applicant wishes to divide this tabulation into subareas, as done in other area of the application.

Response

The area tabulations contain approximations based on the fact that the CDP is conceptual in nature. The area tabulations are further divided into subareas on sheet 1, as per Sheet 3.

Comment

Staff questions the necessity of the development layout plan on the cover sheet and additionally notes that the plan is incorrectly called the 'debelopment' plan in this area.

Response

This was a requirement of the Minimum Submission Checklist (Section K). The development plan is now removed from the cover sheet.

Comment

The note on Sheet 2 regarding the vacation of Gum Spring Road seems to insinuate that new lots will be created with this rezoning. Rewording of this note is necessary, as lots cannot be created by the rezoning process.

Response

The note regarding the vacation of Gum Spring Road is now removed from Sheet 3 since the modification request to provide setbacks from the centerline is no longer part of the application.

Comment

Staff questions the necessity of the development layout plan (Sheet 4) as it provides no information which is not already provided on previous sheets.

Response

The development layout plan (Sheet 4) is now labeled as the "Special Exception Plat (Fast Food Restaurant)" in order to show the layout for the Special Exception purposes.

Comment

Several sheets appear to show conceptual property lines. Staff questions why these are not being used to divide the subareas rather than the bubbles currently provided. If used, the lines should be labeled as conceptual.

Response

The bubbles have been removed and the conceptual property lines are now being used to divide the subareas. The conceptual property lines have been labeled accordingly.

Comment

Several sheets state that the use of the Amber Spring property to the west of the site is currently a business. As the site is zoned R-16 and currently contains multi-family dwellings, the use of the site should be updated.

Response

The use for Amber Spring property is updated to reflect the residential use.

Comment

Several sheets state that the use of the Sarswati property to the north and west of the site is currently business. The site is currently vacant and has no active land development applications and therefore the reference should be corrected.

Response

Sheets have been corrected to state that the Sarswati property to the north and west of the site is "commercial" given the active land development application.

Comment

Several sheets state that the use of the residue parcel is community. This is not a recognized use. Currently, the site is vacant and should be listed as such.

Response

The use for the residue parcel has been revised to reflect it being vacant.

Comment

The existing conditions plan (Sheet 3) fails to show the existing zoning district lines.

Response

The existing zoning district lines have been added to the existing conditions plan. See Sheet 2.

Comment

The existing conditions plan (Sheet 3) fails to show the moderately steep slopes which exist on the subject parcel.

Response

The moderately steep slopes which exist on the subject parcel are shown on the existing conditions plan. See Sheet 2.

Comment

Staff notes that one of the proposed bank facilities is currently shown within the 75' setback from Future West Spine Road.

Response

The bank facility is now out of the 75' setback from future West Spine Road.

Comment

The property line which is dividing the two subject parcels should be shown as "To Be Vacated" due to the fact that development is proposed which spans the property line.

Response

The existing property line is now labeled as "To Be Vacated."

Comment

Staff notes that several required yards are incorrectly labeled as setbacks throughout the plan set. The only setback that is applicable to the subject properties is the 75' setback from major collectors required by Section 4-206(E)(1). All others should be labeled as required yards.

Response

All labels are revised to state "yards" except the 75' setback.

Comment

A proffer statement should be included with any subsequent submissions.

Response

Your recommendation is acknowledged. The proffer statement will be provided under separate cover.

Department of Environmental Review

Regarding Streams and Wetlands

Comment

Please provide a source note for the U.S. Army Corps of Engineers Jurisdictional Determination #05-B0106, issued for the property on December 27, 2005.

Response

A source note for the U.S. Army Corps of Engineers Jurisdictional Determination #05-B0106, issued for the property on December 27, 2005 is provided. See Note 21 on Sheet 1.

Comment

Staff recommends avoidance of the existing pond, in order to preserve green infrastructure elements within the developed areas and develop land consistency with US Army Corps of Engineers and Department of Environmental Quality standards for avoidance of delineated wetland areas. For any unavoidable impacts to wetlands or waters of the U.S., mitigation should occur in close proximity to the development consistent with Policy 23 in Chapter 5, page 5-11, of the Revised General Plan (RGP).

Response

Your recommendation is acknowledged; however, impact to the existing pond is unavoidable due to the physical and legal constraints of the site (i.e. setbacks, buffers, property lines, etc.). Mitigation of the pond will occur by way of providing funds to the wetland bank, or in close proximity to the development as per Policy 23 in Chapter 5, pages 5-11, of the Revised General Plan.

Regarding Tree Conservation

Comment

To better evaluate preservation potential of specimen trees, please provide species, size and condition rating for all trees of 30 inches or greater on the subject property.

Response

As required by the rezoning application, a forest type mapping has been provided with the initial submission package. The forest type mapping was performed by Angler Environmental. If you do not have a copy of this report, I will forward a copy to you. Please note that the client and engineers are working to limit the grading reaches of the development in order to preserve more of the existing tree stands along with the specimen trees.

Comment

Staff recommends incorporating existing hardwoods into perimeter buffers. Evergreens may also be retained for buffering, exclusive of Virginia Pine over 25 years of age. A proposed best management practice (bmp) pond is shown where a bottomland hardwood stand exists, and the applicant should consider adjusting the bmp approach to maintain the forested buffer stand.

Response

Your recommendation is acknowledged. Please note that the applicant intends on using the existing tree stands within the buffer and setbacks to the maximum extent possible.

Regarding Water Quality

Comment

Section K.4 of the Rezoning Checklist requires the approximate location and estimated size of all proposed SWM facilities and a statement as to the type of facility proposed on the concept development plan (CDP). Staff has concerns about the bmp approach indicated on the CDP, because it shows incomplete treatment of stormwater runoff and because the bmp indicated is likely neither constructible nor adequate.

Subareas 1 and 2 direct runoff into the Broad Run watershed. While the application indicates that a downstream property will treat the runoff, county records do not indicate any active or approved application including design such treatment, let alone a facility that is constructed or bonded. Please include commitments to treat all stormwater runoff on site.

Subareas 3 through 6 direct runoff into the Elklick Run watershed, which eventually drains to Bull Run and then to lake Occoquan, a water supply reservoir. The bmp shape depicted on the plan is likely an extended enhanced

bmp pond. But the pond's shape is not consistent with the geometric recommendations described on 3.07-20 and depicted on page 3.07-25 of the Virginia Stormwater Management (SWM) Handbook. The pond will also have edges and embankments too close to property lines to allow recommended buffer widths mentioned in the SWM Handbook and the Revised 1993 Zoning Ordinance. Please adjust the SWM/BMP design to adequately treat runoff in a manner that meets SWM Handbook requirements, avoid and minimizes impacts to existing hardwood forest stands and wetlands, and provides adequate buffering for adjacent properties. Infiltration BMP's along with underground vaults for stormwater quantity requirements may achieve these goals.

Response

Subareas 1 & 2, west of the "West Spine Road" drain north. The proposed imperviousness of the concept plan will require stormwater quantity control to attenuate to pre-developed peak flow rates and BMP facilities providing 50% efficient phosphorus removal. The owners of this project and the adjoining project (Sarswati) are in negotiation to jointly build a dry pond facility for stormwater quantity control supplemented by manufactured water quality inlets or filter chambers at 65% efficiency to treat a majority of the impervious surface of the site to provide the required phosphorus removal. If an agreement cannot be reached with the adjoining property regarding quantity control, these areas will be controlled through underground detention consisting of a pipe network beneath the parking lot.

Subareas 3 – 6 currently sheet flows to the east. Our intent is to design the site to sheet flow to the vegetated buffer which will be designed as a depressed raingarden for 50% or 65% phosphorus removal as needed and quantity attenuation through a combination of storage in the allowable 6 inches of ponding above the raingarden and shallow pipe chambers and gravel void space underneath the raingarden sand layer. Therefore the shape of the SWM/BMP is the shape of the buffer. The use of pervious surfaces for a portion of the parking area will also be considered. During 3 dimensional designs, we will attempt to incorporate preservation of existing hardwoods in the buffer area with the precise grading and vertical stratum requirements of the raingarden. In the event that existing trees cannot be preserved, the well watered trees of the raingarden will have a growth rate much faster than typical landscaping for re-establishment of the buffer.

Comment

Staff recommends a Special Exception Condition requiring oil-water separator BMPs to be incorporated into the gas station site plan in addition to other required BMPs to filter runoff containing higher concentrations of hydrocarbons and petroleum expected in this location. This site fits the stormwater hotspot use described in Section 5.320 of the Facilities Standards Manual. Consistent with surface water policy 21 of the RGP, please describe and depict secondary containment of the storage tanks and fueling area. Please also describe treatment and emergency response contingencies for leaks or spills.

Response

Acknowledged however, the applicant is no longer proposing a convenience food store with accessory gas pumps with this application.

Regarding Digital Data

Comment

Staff is embarking on a project to map and inventory wetlands located within Loudoun County. We are requesting that the development community contribute digital data to this effort. Specifically, a digital data layer depicting the Corps-approved wetland delineation (including jurisdictional waters and wetlands), including the delineation of the respective study limits, is requested. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable, if available. Metadata on the digital data (e.g., map scale, age, etc.) is also helpful. The requested information is currently depicted on the plan; however, if this information cannot be provided prior to approval of the rezoning application, staff recommends that a commitment be provided indicating when this information will be submitted to the County.

Response

Acknowledged. We will provide this information to the County prior to approval of the application.

Community Planning Comments dated 20 April 2007

Land Use Comments

Comment

The subject site is planned for a mix of land uses, including Business west of West Spine Road, and Hybrid Retail Center and Residential south of Tall Cedars Parkway. The applicant is proposing 100% commercial retail and services. Plan policies support residential neighborhood residents. There are residential communities directly to the south of the subject site that may benefit from the commercial retail and services proposed at Community Corner. In addition, the Arcola Area/Route 50 Comprehensive Plan Amendment allows for the consideration of commercial retail and services uses that exceed the 10% retail maximum recommended for Business communities when evaluated against certain criteria. It appears the proposed commercial at Community Corner can provide the goods and services for single-use residential communities to the south of the subject site, the uses do not access Route 50 directly, and the planned road alignments of Tall Cedars Parkway and West Spine Road provide the appropriate and adequate transportation infrastructure to serve households within the surrounding area. Staff request additional information from the applicant on the coordination between the adjacent property owner for access to the building pads adjacent to West Spine Road.

Response

A shared access road agreement is being pursued by the applicant and the owners of the Sarswati parcel. Access to Sub Areas 1 and 2 will be gained via the future extension of South Point Drive to West Spine Road. Please refer to the recently submitted SPEX/ZMOD application known as West Spine Plaza.

Site Design Comments

Comment

Staff recommends the applicant: 1.) Revise the Concept Development Plan to reflect the minimum number of parking spaces required by the County. Doing so will create opportunities to relocate building footprints closer to the roadways, 2.) Locate the sit-down restaurant proposed adjacent to West Spine Road close to the roadway in order to place the majority of the parking to the sides and rear of the building, 3.) Provide a conceptual landscape plan that commits to screening parking areas by providing a low, opaque wall or fence of a type consistent with the architectural features of the buildings, in combination with dense landscaping, adjacent to the front yard setback as shown in the CDP, 4.) Limit loading, storage, and mechanical units along facades that are not visible from Tall Cedars Parkway and West Spine Road and screen these areas with masonry walls consistent with the building finish and design, and/or the use of landscaped areas and fencing, 5.) Address the conflict between the vehicles backing from the parking stalls and vehicles traveling along the front circulating drive south of Tall Cedars Parkway, and 6.) Provide a conceptual landscape plan for the parking associated with the sit-down restaurant that enhances the large parking area and provides safe travel routes for the pedestrian from the parking areas to the building with a demarcated pathway and clear directional signage.

Response

1. The minimum number of parking spaces is used with the design of the parking layout so that the buildings are located closest to the road frontage.
2. The restaurant building pad is relocated close to the road so that the majority of the parking is located behind and on the sides of the building.
3. An illustrative plan is provided. All landscape buffers will be provided per Sections 5-1300, 5-1400, and 5-600 of the 1993 Revised Zoning Ordinance in order to effectively screen the use and parking areas.
4. All loading and storage are located behind the buildings away from Tall Cedars and West Spine Road and will be screened in accordance with the Loudoun County Zoning Ordinance
5. The parking conflict between cars backing out of the stalls into the travel lane is addressed by providing more separation between the main travel aisles and the parking spaces. This separation can be demarcated by striping or otherwise. See Sheet 4.
6. An illustrative plan is provided with this submission. The revised parking and building layout allows for safe pedestrian movement by way of

marked walkways. Please note that a sit-down restaurant is replaced by an office/retail building.

Signs & Lighting Comments

Comment

Staff recommends that the applicant commit to lighting that is downward directed, is fully shielded, provides a glare-free environment, is confined to the site, and has illumination levels that are no greater than necessary for a light's intended purpose. All lighting should be designed to preclude light trespass onto adjoining properties, glare to passerby, skyglow, and deterioration of the nighttime environment. Staff also recommends the applicant submit detail as to the type of signage proposed for Community Corner to include levels and types of illumination, size, color, and landscaping as well as conceptual drawings that illustrate a unity of design.

Response

Lighting will be provided in accordance with Section 5-1504 of the Revised 1993 Zoning Ordinance. See Note 10 on Sheet 1.

Wetlands and Pond Comments

Comment

Staff recommends the applicant consider avoiding or minimizing the impact of development on wetlands. If the disturbance of the wetlands cannot be avoided, staff recommends the applicant commit to on-site mitigation, subject to approval from the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality. The applicant should provide more information for compensatory mitigation.

Response

Staff recommendation is acknowledged however, impact to the existing pond is unavoidable due to the physical and legal constraints of the site (i.e. Tall Cedars Road alignment, setbacks, buffers, and property lines, etc). Mitigation of the pond will be made by either payment to a wetlands bank or in close proximity to the development is self.

Forest Cover Comment

Comment

Plan policies support the preservation of forest cover to sufficiently screen and buffer the buildings, parking, and traffic from residential development to the south. Staff recommends the applicant commit to tree save areas on the Concept Development Plan that include: 1.) Preserving forest stands within the 100-foot

buffer at the southern portion of the subject site, 2.) Relocating the boundaries of the stormwater management facility to increase the area of tree save along the southern boundary adjacent to residential development, 3.) Preserving existing forest stands along Gum Spring Road to the maximum extent possible while enhancing the buffer with additional evergreen plantings, and 4.) Identifying the location of the subject site's specimen trees on the Concept Development Plan and integrating them into the site design of the development.

Response

The preservation of the forest stands within the 100' and 45' buffer at the southern portion of the site will be preserved to the maximum extent possible. The boundaries of the BMP facility have been redesigned outside of the required buffer yards. The preservation of the existing forest stand along Gum Spring Road will also be preserved to the maximum extent possible. The buffer areas will be enhanced where needed with additional plantings. Please note that efforts will be made to include specimen trees into the design.

Water Quality and Quantity Control Measures

Comment

Staff recommends that water treatment measures be employed that mimic the pre-development conditions of the site and mitigate impacts to the watershed. As part of these measures the applicant could consider various site measures, such as green roofs, rain gardens, cisterns, panted swales and pervious parking surfaces to promote infiltration on-site, minimize peak storm flows, and help filter non-point source pollutants.

Response

Acknowledged. Different alternatives to treat the water will be reviewed for best results for the site and surrounding area.

Department of Fire, Rescue and Emergency Management Comments

Comment

The Fire and Rescue Planning Staff is concerned that access to the proposed uses is limited, and strongly recommends a second access point to the proposed uses along Tall Cedars Parkway. Staff respectfully requests the Applicant demonstrate that access and circulation of emergency vehicles throughout the site would not be comprised by the current design and location of buildings. Also emergency vehicles must be able to reach all sides of the buildings; Staff is not able to confirm a drive or access to the back of the proposed pharmacy for example.

Response

Due to VDOT requirements, only 1 entrance off Tall Cedars Parkway is allowed. All access points and travel ways meet the requirements of an SU-30 vehicle.

Please note that emergency vehicles are able to access both the front and rear of the buildings.

Office of Transportation Services Comments

Comment

The LOS analysis conducted for Phase 1, 2009, does not show any West Spine Road improvements in place between Tall Cedars Parkway and Route 50. The only access to the site from Route 50 is via the current two-lane Route 659. If this were to be the situation, the level of service policies on the current CTP would be violated and the proposed development should not occur in a 2009 time frame. However, OTS understands the first half section of the West Spine Road is now under construction. It should be confirmed the new lanes will be in place, and the 2009 analysis should be revised to reflect them. In addition, it should be confirmed a traffic signal has been proffered at the new intersection of Route 50 and West Spine Road and also at the intersection of Tall Cedars Parkway/Route 659, and if so, the Phase 1 revision should reflect them. Also, Route 50 eastbound should be shown as three lanes in 2009.

In the event the two-lane existing Route 659 and the new two-lane West Spine Road function together for an interim period of time, the applicant's traffic consultant is welcome to offer suggested operational formats to optimize LOS. A four-lane West Spine Road does not seem likely in 2009.

Response

It is confirmed that the northbound lanes of West Spine Road are being constructed. Also, all uses that are part of this application are to be assumed and constructed by 2009. Please note that the church property and trip generations are not subject to this rezoning. The church data is for overview purposes only.

Comment

It does not appear viable to cul-de-sac existing Route 659 at an appropriate location between Route 50 and Tall Cedars Parkway until such time as the second half section of the West Spine Road is constructed. OTS understands the applicant has currently provided right-of-way for the half-section of the improvement currently under construction. The right-of-way for the construction of the second half-section is urgently needed and should be provided ASAP, including any required construction easements. This will allow earlier construction of the full four-lane section by others. Dedication of this right-of-way even before final action on this ZMAP would be very helpful.

Response

Acknowledged. The right-of-way dedication for the second half-section for West Spine Road will be proffered.

Comment

The applicant should construct a four-lane section of Tall Cedars Parkway between the future West Spine Road and the proposed median crossover to the east serving the commercial activity and church. This would include any turnabout at the eastern edge as may be required by VDOT.

Response

Acknowledged. The construction of Tall Cedars Parkway within the property limits will be a proffered condition of approval.

Comment

A bicycle/pedestrian facility should be located along Tall Cedars Parkway. It should be consistent with that provided across Avonlea to the east.

Response

The applicant will proffer a 5 foot asphalt pedestrian/bike path on the south side of Tall Cedars Parkway.

Comment

The western segment of the property (along existing Route 659) should provide right-of-way for the necessary cul-de-sac of Route 659 north of Tall Cedars Parkway.

Response

The necessary right-of-way for the cul-de-sac of Route 659 will be proffered with the assurance that Route 659 be abandoned for our benefit.

Virginia Department of Transportation

(Responses provide by Peter Steele of Patton, Harris, Rust and Associates)

Comment

If access to Sub Areas 1 and 2 are proposed from Route 659 as an interim measure, turn lanes will be required.

Response

The interim access to Subareas 1 and 2 from Route 659 is now removed. Therefore, the turn lane is not needed.

Comment

It should not be assumed that Route 659 will be separated from Route 50 when the first portion of the West Spine Road is constructed.

Response

Acknowledged.

Comment

Show the distance to all site entrances and all site entrances need to be analyzed.

Response

Acknowledged. The distances to site entrances can be measured by scale on this plan. A higher level of detail will be available at final site plan. The entrances shown hereon are separated by 350 feet along the future divided roadway, and cross-overs will meet normal VDOT and County spacing requirements. We believe that specifics on the concept plan of exact requirements serve no useful purpose at this early stage of the project, since they inevitably change over time. The final review at Site Plan is when the issue of access spacing makes better sense. Perhaps it would help if Traffic Engineering merely noted that the spacing standards need to be met to satisfy VDOT's standards, if access permits to VDOT Roads are to be obtained. But the applicant's Engineers are well aware of those design requirements and will amend their Plan accordingly

The following comments from the Traffic Impact Analysis from the VDOT NOVA District Traffic Engineering Section are addressed below.

Comment

Show the existing and proposed length of turn lanes

Response

Agreed, that the length of turn lanes must meet VDOT and County requirements at Site Plan. Since the intersection of Tall Cedars and Gum Springs Road does not exist at the present time, the actual configuration will need to be approved by VDOT and the County at Site Plan. At that final stage, the design of the intersection can be examined in detail to ensure that the lane configuration is adequate. At this stage the applicants Engineer is prepared to commit to meeting VDOT normal lane length requirements and designate these on their Plan accordingly.

Comment

Identify all "other developments" by 2009. Include all approved background developments.

Response

Agreed, and the issue of "other developments" is covered in Table 1 (as agreed in the scoping session with the County for 2014). In the first Phase by 2009, only a limited Church of 600 seats is proposed with Tall Cedars Parkway not connected through to Loudon Parkway. Certainly the bulk of the projects listed in Table 1 will only have marginally be commenced by the start of Phase I. It was for this reason that we agreed that all known background development needed to be fully developed for 2014. Further the County's Transportation Model includes complete build-out by 2025 in their projections of VPD on the primary road network for all know projects in this precinct, plus additional land that the County and regional Demographers (MWCOC) believe will be created and on stream by 2025 (see Figure 7-Page 35, in the T.I.A. dated September 29, 2006).

Comment

Provide analyses for Saturday and Sunday.

Response

Agreed, however given the drop in trips on the primary road network for Sunday (to about 70% of the VPD of Weekday traffic), it was agreed at the scoping session that the focus should be on the peak hour flows on the network. Clearly with the amount of analysis already undertaken for this project, we have identified that a number of critical "un-knows" exist that will need to be updated later in the process. Thus we believe that the current T.I.A. has sufficient analysis to allow the project to be approved, with the condition that additional updating will be required at Site Plan for later Phases (from 2014 onwards) as traffic conditions change. This, of course, is now mandated under the new State Regulation 527, which will allow both VDOT and the County to seek additional review of the initial T.I.A. as new Site Plan emerge.

Comment

Up to fifteen-percent (15%) of pass-by trip reductions can be applied to the pharmacy, bank, gas station, and a high turnover restaurant.

Response

Agreed, that the issue of by-pass traffic was not included at this stage of the analysis, since the primary focus was on the Church traffic in Phase I. This issue will be examined further in subsequent reviews of the current T.I.A.

Comment

There is no LOS "G" or "H". LOS and delay should be provided for each lane group for each phase in tables.

Response

Agreed, that the LOS of "G" and "H" shown on the Synchro Files are for the ICU Level of Service rather than the normal intersection LOS from HCM. So that rather than highlighting the ICU values which indicate capacity over-utilization, we should have focused on the intersection delays as measured by the normal LOS value. These values of course are taken directly from the Synchro output sheets included in the Supplemental Capacity Data report. Those sheets indicate both I.C.U. values and HCM values.

The LOS and Delay for each lane grouping is shown on the Supplemental Capacity Data booklet, however these have been highlighted in the attached Table for the primary intersection of Tall Cedars and Gum Springs Road. (See attached Table below)

Comment

West Spine Road south of Route 50 should be completed by 2009.

Response

Agreed, that the issue of the Spine Road and its completions date by others was not know in September 2006.

Comment

A traffic signal at Route 50/Pinebrook Road has been approved and should be assumed in the 2009 traffic conditions.

Response

Agreed, and as the data for the proposed introduction of a traffic signal at Pinebrook and Route 50 was not available in September 2006 it was not included. Since the applicant at this stage is not committed to extending Tall Cedar parkway through to Pinebrook in Phase I, this proposed new signal does not affect the T.I.A. analysis for Phase I. It being noted that by Phase II in 2014, it was assumed that a traffic signal would be installed (See Page C-67 & C-83 for AM and PM analysis of the intersection in the Supplemental Capacity Data).

Comment

Show site trip volumes for each phase on figures.

Response

Agreed, however it was felt that the introduction of site trip volumes for each phase on the existing Figures may lead to further confusion of the narrative being told within the current TIA. Thus site trip distribution has been included in the Figures, such as:

Figure 6 A-1 Site Trip Distribution (for Church & Daycare) 2009

Figure 6 A -2 Site Trip Distribution (Commercial I) 2009

Figure 6 A -3 Site Trip Distribution (Commercial II) 2009

Figure 7 A - Site Assignment (for Church & Daycare) 2009

Figure 7 B - Site Assignment (for Commercial) 2009

And the structure of this set-out is illustrated on Page 38.

This part of the narrative, as documented in the Figures, is difficult enough to follow for a Transportation Engineer, and thus further details were confined to the detailed analysis sheets, rather than the narrative. However, as noted later, the suggestion that an update be mandated for Phase II will allow this information to be documented in a manner that is satisfactory.

Comment

Traffic volumes need to be re-distributed due to the changes on roadway conditions.

Response

Agreed and the traffic volumes have been redistributed in accordance with the new links when they become available. This has been validated by comparison with the County's 2025 model which includes all the major roads and all the new estates.

Not sure if this is the exact point being made by Traffic Engineering, however examination of the volume on Tall Cedars, when the Parkway is extended through to Loudon Parkway, clearly indicates that we have accounted for the diversion of traffic on this new link (and balanced with the County Model). This point is illustrated on Figure 9C (Page 61) and Table 4 (Page 48 - illustrates the individual intersection assignments). This re-assignment of turning data is included in the analysis undertaken by PHR +A as a normal part of our examination of impacts.

Comment

Traffic conditions become very unpredictable when the build-out years is five (5) years beyond the existing traffic conditions. It is recommended that the study be updated after Phase 1 is completed and re-evaluated again when it is approaching the 2023 build-out.

Response

Agreed.

Comment

Capacity analyses should be provided via CD with hard copies included in the Appendices.

Response

Agreed, and the Supplemental Capacity Data provides a printout of the Synchro Files (and copies of the CD were included in the submission to the County).

Comment

Queuing analyses should be provided. Queuing analyses should show if the queues will exceed the existing or the proposed turn lane, and it should also address the blocking situation.

Response

Agreed and this material can be submitted for the Phase II conditions. Clearly it is irrelevant to talk about queues on a road not yet constructed by others (Gum Springs Road) and Tall Cedars Parkway Extension (by others). However if this information is required in can be produced from the Synchro Files and the timing cycles being used.

Comment

Signal warrant studies should be provided if signals are provided at intersections.

Response

Agreed, that the issue of signal warrants needs to be clarified. The applicant is prepared to commit to the provision of traffic signals at intersections where Warranted, based on the traffic generated by their development. Clearly when the County is proposing a major link road, such as Tall Cedars Parkway where the bulk of the vehicle volume is being generated "by others" it is unreasonable to expect the applicant to foot the entire bill for such provision (under the County's adopted Comprehensive Plan). The applicant believes that a pro-rata based on trip generation is equitable and acceptable.

Department of Parks, Recreation and Community Services

Comment

No proffers were submitted with this application. Please provide proffers for review.

Response

Proffers will be provided under separate cover per your recommendation.

Comment

PRCS notes that the Phase 1A Archeological Assessment of the 31-acre Parcel for the Gateway Community Church, prepared by John Milner Associates and dated January 20, 2006, does not reference the subject properties associated with this application. It appears that the properties shown are further south along Route 659, and are more specifically identified as 206-38-6482 (owned by George and Ila Dudley) and 206-39-2544 (owned by Ye Ja Kim). Please revise or explain this discrepancy.

Response

The Phase 1A study is irrelevant given that a Phase I Archeological Study was conducted on the project area. A copy of the Phase 1 study dated September 20, 2006 was provided with the original submission. Please advise whether another copy of the study is needed.

Comment

The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(B), Land Development, Land Development Policy 6 states that "All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community." In addition BPMMP Land Development Policy 7, "All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments." The application should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle and pedestrian access to and through the development and connections to adjacent developments are being met.

Response

Bike and pedestrian paths are shown on the CDP along the frontages of West Spine Road and Tall Cedars Parkway. The bike and pedestrian paths will be extended to the limits of the project area so that connections to other developments can be made. These paths will be proffered.

Comment

In addition to Comment 2, the Loudoun County Bicycle and Pedestrian Mobility Master Plan identifies Gum Springs Road (Route 659) as part of the recommended future bicycle and pedestrian network. PRCS recommends that Special Exception/Concept Development Plan be revised to at least include a 10-foot wide, paved shared bicycle/pedestrian path along future West Spine Road. Consideration should also be given to the frontages along future Tall Cedars Parkway.

Response

The applicant will proffer a 5' wide bicycle and pedestrian path along West Spine Road and Tall Cedars Parkway.

Comment

PRCS is concerned with the project's proximity to the intersection of West Spine Road and Tall Cedars Parkway, the future church/civic uses on the remainder of the Gateway property, and the overall surrounding residential uses within Stone Ridge and other future residential subdivisions. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4, Bikeway and Walkway Facility Types, Intersection Treatments recommends "*a wide variety of features, including high-visibility crosswalks, wheelchair ramps, curb extensions, median refuges, countdown signals, in-median safety bollards, mid-block crossings, and more.*" PRCS recommends the Applicant provide intersection treatments at West Spine Road and Tall Cedars Parkway.

Response

Applicant is aware of the recommendation and will take into consideration the possible intersection treatments at West Spine Road and Tall Cedars Parkway.

Comment

PRCS maintains a new active park (Byrne's Ridge) within the Stone Ridge Community. Staff recommends that a portion of any Capital Facilities Contribution be earmarked for improvements at Byrne's Ridge Park.

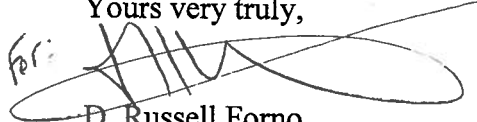
Response

Applicant is aware of the recommendation and will consider earmarking Capital Facility Contributions for improvements at Byrne's Ridge Park.

We wish to request this application be scheduled for the next available Public Hearing date in September 2007.

We trust all comments are adequately addressed, and look forward to your support for approval of this application. Please contact me should you have any questions.

Yours very truly,

A handwritten signature in dark ink, appearing to be "D. Russell Forno", written over a horizontal line.

D. Russell Forno
Director of Planning
DRF/tls/4401

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24 September 2007

Mr. Stephen Gardner, Project Planner
County of Loudoun
Department of Planning
1 Harrison Street S.E.
Leesburg, VA 20177



**RE: Community Corner – ZMAP 2006-0024, SPEX 2006-0037
PIN: 204-19-8672 and 204-10-2931**

Dear Mr. Gardner:

The following are our responses to your comments on the above referenced project.

Loudoun County Health Department comments dated 8/27/2007

1. Comment:
All the proposed lots and structures are properly served by public water and public sewer
Response:
All the proposed lots and structures will be served by public water and public sewer.
2. Comment:
All existing wells and drainfields are shown on future plats.
Response:
All existing wells and drainfields will be shown on future plats.
3. Comment:
All existing wells and drainfields are properly abandoned (Health Department permits required) prior to submission of record plat or razing of the structure, which ever is first.

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Response:

All existing wells and drainfields will be properly abandoned (Health Department permits required) prior to submission of record plat or razing of the structure, which ever is first.

Environmental Review Team Comments dated 9/5/2007

1. Comment:

The applicant's responses state that impact to the existing pond is unavoidable due to the physical and legal constraints of the site. Staff emphasizes the importance of mitigating unavoidable wetland and stream impacts in close proximity to the disturbed areas to help maintain water quality, flood protection and habitat benefits. As such, staff recommends providing a commitment prioritizing mitigation as follows: 1) onsite, 2) within the same watershed within the same Planning Policy Area, 3) within the same watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ). This approach is consistent with Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Furthermore, the County's strategy is to protect is existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text).

Response:

As requested, the wetlands note on the coversheet has been elaborated to include the Corps prioritization schedule. See note 20 on sheet 1.

2. Comment:

The applicant's responses reference the forest type report prepared by Evergreen Environmental in response to staff's request for species, size, and condition rating information for all trees with diameters at breast height (DBH) of 30 inches or greater. However, the report identifies 23 oak trees with DBH greater than 16 inches. The report does not provide size or condition rating information. Please provide the requested information for those trees 30 inches or greater.

Response:

We sincerely wish to ask for your relief from enforcing this recommendation, in view of the circumstances iterated in the attached Memo from Brad Petru (Angler Environmental), dated 20 September 2007.

3. Comment:

The applicant's responses state that existing tree will be used within buffers and setbacks to the maximum extent possible. Sheets 2 and 6 include an "Approximate Tree Save Area" label along the southern boundary of the property. The limits of this area are not identified and correspond to an area identified as a best management practice (BMP) facility. Please clarify the overlapping designations and include boundaries of the tree protection area so that these areas are clearly discernable on the plan sheets. Staff also recommends including a commitment specifying the limitation for these areas.

Response:

The overlapping designations have been removed. "Approximate Tree Protection Area" now reads "Approximate Tree Save Area" for clarity. Because final engineering and subsequent Site Plan review by the County cannot occur until the BOS approves this concept development plan for a rezoning to PD-CC-CC, can a viable plan become worthy of detailed engineering. Thus we have added a note on sheet 1(note 24) regarding the tree save area(s), shown hereon are only approximate, and that commitment to ensure the survival of trees in this area(s) will be determined at Site Plan. Unfortunately, your recommendation to make a commitment is not possible at this time. Only until a Site Plan is reviewed by County, State, and Federal agencies, can an actual commitment to save a specified area of trees be determined.

4. Comment:

Staff appreciates the addition of notes 21 and 22 on Sheet 1 which describes the proposed stormwater management (SWM)/BMP approach for the project. However, staff recommends that Note 21 be revised as follows: 1) commit to a 65 percent phosphorus removal efficiency, 2) be more flexible in terms of water quality and quantity measures by replacing "raingarden" with "raingarden or other measure"; and 3) adjust the quantity options to include "and other measures if needed". Further more, the current proffer statement does not specify whether Sheet 1 is a proffered plan sheet. If the sheet is not proffered, staff recommends that the noted be included as commitments within the proffer statement.

Response:

As requested, the note is now revised to a commitment to meet or exceed VSWMH requirements whether by raingarden or other measures. See note 22 on sheet 1. The Proffer Statement encompasses sheets, 1, 3, and 5 of the plan set.

5. Comment:

The applicant's responses state that the digital wetland data will be provided prior to the approval of this application. Staff appreciates this data and requests that it be forwarded to todd.taylor@loudoun.gov. Specifically, the U.S. Army of Corps of Engineers approved wetland delineation of the respective study limits. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable, if available. Metadata on the digital data (e.g., map scale, age, etc.) is also helpful.

Response:

Acknowledged.

Zoning Administration Property Report Comments dated 9/7/2007

1. Comment:

Demonstrate how the proposal is organized to reduce traffic. Section 4-207(D) Commercial buildings shall be so grouped in relation to parking areas

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that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement.

Response:

The proposal is organized to reduce traffic by providing two-way drives aisles throughout, which allow customers to enter and park close to the designated stores and leave the commercial areas without having to drive any circuitous route. (See sheets 3 and 5) We have also improved pedestrian connectivity and safety through architectural improvements and the use of traffic calming techniques. See sheets 3, 5, and note 25 on sheet 1.

2. Comment:

Explain how the request will improve upon the existing regulations, is an innovative design and exceeds the public purpose. Additionally, justify "Whether there are any changed or changing conditions in the area affected to make the proposed rezoning appropriate." (Section 6-1211.E.2) and "whether a reasonably viable economic use of the subject property exists under the current zoning" (Section 6-1211.E.8).

Response:

As previously stated in the last response letter the rezoning is necessary so applicants objective to subdivide is not constrained by the minimum lot requirements that are part of the CLI zoning district. Please refer to numbers 1, 2, and 3 of the Statement of Justification (ZMAP) for further supportive reasoning.

3. Comment:

(Section 5-1408) "A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails...Vehicular entrances may cross a buffer yard." Although vehicular entrances may cross a buffer yard, they are not to run within the buffer yard. The parking roadway is located within the 35' yard and needs to be removed.

Response:

Acknowledged. The drive aisles are either confirmed to be already or are now relocated outside the required buffer yards. However, we believe drive aisles are permitted within the 35' district yard requirement from roads See sheet 5.

4. Comment:

Crosswalks need to be provided across Tall Cedars Parkway and West Spine Road. Additionally, internal pedestrian connection should be examined.

Response:

We defer the issue with crosswalks at the intersection of Tall Cedars Parkway and West Spine Road to the Applicant designing and constructing West Spine Road, who is not part of this application. However, trails are provided along Tall Cedars Parkway and West Spine Road. See sheets 3 and 5.

5. Comment:

(Section 4-207D) "Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles, shall be so located and arranged as to minimize interference with pedestrian traffic within

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the center..." Please redesign parking to minimize pedestrian-vehicular conflict.

Response:

The service and delivery areas are now re-designed to minimize conflict with the pedestrian traffic within the shopping center areas. Please refer to the response to above comment 1. See sheet 5.

Other Comments (Zoning):

1. Comment:

In the statement of justification (p3) states you "seek to preserve to the maximum extent feasible the forest that currently predominates the Property. However, on the new plan, only one tree seems to be saved. Please clarify.

Response:

We wish to note that only trees with diameters greater than 16" (dbh) were identified. The entire site is forested. Now trees within the 45' setback area will be preserved to the greatest extent possible. A tree preservation report will be provided in accordance with the Facilities Standards Manual at the Site Plan stage once the final grading is determined. Please refer to the response to ERT comment 3.

2. Comment:

Section 4-205(C)(1)(b) No parking, outdoor storage, areas for collection or refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road. Section 4-207(E) Outdoor Storage. Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area. Please relocate dumpsters.

Response:

The dumpsters are now relocated so that they are not between any buildings. The service and delivery areas are now re-designed to minimize conflict with the pedestrian traffic within the shopping center areas. See sheet 5.

3. Comment:

Small Shopping Center needs one loading space for the first 50,000 s.f. Please provide one loading space. (Section 5-1100, Smaller shopping centers)

Response:

Loading spaces are provided and labeled as requested. See sheet 5.

4. Comment:

Please provide a 100' setback from residential along the Gum Springs Road portion of the property (Section 40205.C.2)

Response:

The 100' district setback is now provided from the residential district along the Gum Springs Road portion of the property. See sheets 3 and 5.

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Virginia Department of Transportation Comments dated 9/5/2007

1. **Comment:**

This office assumes the installation of the traffic signal at the West Spine Road/Tall Cedars/Route 659 intersection is completely funded by others. If not, this application should provide a pro rata share of the funding for that signal.

Response:

The traffic signal at the West Spine Road/Tall Cedars/Route 659 intersection is completely funded by others.

Loudoun County Sanitation Authority Comments dated 9/5/2007

LCSA has no objections to approval.

Loudoun County Department of Fire, Rescue and Emergency Management Comments dated 9/7/2007

Staff has no further comments.

Department of Planning Comments dated 9/13/2007

Recommendations

1. **Comment:**

Submit documentation showing formal agreement between the applicant and the Sarswati Parcel for inter-parcel access.

Response:

Both property owners confirm the existence of a private agreement for inter-parcel access.

2. **Comment:**

Provide a maximum number of parking spaces that does not exceed the minimum number required by the County.

Response:

The southern portion of this application along Tall Cedars Parkway currently provides the minimum number of parking spaces required. The western portion of the site provides 115 spaces; which is approximately 30% above the minimum required parking. See sheet 5.

3. **Comment:**

Install traffic calming measures along the main drive aisle adjacent to Tall cedars Parkway and West Spine Road to include striping, signage and speed bumps.

Response:

Traffic calming measures are now provided along the main drive aisle adjacent to Tall cedars Parkway and West Spine Road to include striping or

stamped asphalt (or the like), signage, and speed bumps. See sheets 3 and 5 and note 25 on sheet 1.

4. Comment:

Limit parking along Tall Cedars Parkway and West Spine Road to one drive aisle and one row of parking stalls where the remainder of the parking will be placed to the rear of buildings.

Response:

Parking along Tall Cedars Parkway and West Spine Road within the commercial area is already limited to a two-way, one drive aisle and one row of parking stalls. See sheet 3 and the Illustrative Plan (Sheet 5). This ensures minimal vehicular movements onsite and improved pedestrian safety.

5. Comment:

Place a minimum of six crosswalks, spaced at an average distance of 150 feet, to provide direct access from the rear parking areas to the commercial retail buildings located along Tall Cedars Parkway.

Response:

Five crosswalks are shown to provide direct access from the rear parking areas to the commercial retail buildings located along Tall Cedars Parkway. These crosswalks are not located every 150', however they do allow for the best pedestrian circulation with respect to building layouts. In addition, crosswalks are strategically provided along the frontage to Tall Cedars Parkway. See sheet 5.

6. Comment:

Ensure that all pedestrian crosswalks providing direct access to commercial retail buildings are aligned with all other crosswalks located within surface parking areas and parking drive aisles.

Response:

All pedestrian crosswalks providing direct access to commercial retail buildings are aligned with all other crosswalks located within surface parking areas and parking drive aisles. See sheet 5.

7. Comment:

Provide enhanced pedestrian crosswalks that include raised crosswalks and changes in textures, patterns and colors to distinguish between pedestrian and vehicle movement.

Response:

Enhanced pedestrian crosswalks have been provided that include either, or a combination of, raised crosswalks and changes in textures, patterns and colors to distinguish between pedestrian and vehicle movement. See note 25 on sheet 1.

8. Comment:

Provide minimum spacing between all buildings to provide for more direct pedestrian access from rear parking areas to the primary front entrances of retail buildings.

Response:

The shared building between the Pharmacy and the Retail/Office are now separated so that pedestrians have a more direct access to the primary front entrances of the buildings. See sheet 5. Please also note the proposed building entrances are now shown, to demonstrate building access from both front and rear.

9. Comment:

Incorporate the Route 50 Corridor Design Guidelines related to building design into the Draft Proffer Statement.

Response:

The applicant will conform to these guidelines as currently stated. See note 28 on sheet 1.

10. Comment:

Mitigate the impact of disturbance to wetlands by mitigating on-site, or within the Dulles Community of the Suburban Policy Area.

Response:

The applicant will commit to mitigating the loss of the wetlands as per Corps prioritization schedule. See note 20 on sheet 1.

11. Comment:

Provide clear and defined boundaries of tree save areas on Sheet 3 of the CDP located on the southern portion of the site along Gum Spring Road and do not overlap with the boundaries of BMP facilities.

Response:

Clear and defined boundaries of tree save areas that do not overlap with the boundaries of the BMP facilities are now shown on Sheet 3 of the CDP, located on the southern portion of the site along Gum Spring Road

12. Comment:

Specify the preservation and management limitations of tree save areas within the Draft Proffer Statement.

Response:

Please refer to the response to ERT comment #3.

13. Comment:

Identify the specimen oak trees on sheet 3 of the CDP that will be preserved as part of the site design.

Response:

Trees within the 45' setback area including the specimen oak trees will be preserved to the greatest extent possible. A tree preservation report will be provided in accordance with the Facilities Standards Manual at the Site Plan stage once the final grading is determined. See sheet 3.

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Office of Transportation Services Comments dated 9/13/2007

1. Comment:

OTS confirms that construction has begun on the West Spine Road north of Tall Cedars Parkway on available right-of-way. Unfortunately, the parcel immediately south of Route 50 has not been dedicated despite a condition which calls for its dedication when requested by the County. This request was made a number of months ago, but there has been no response to date. Follow-up actions on the part of the County are being considered. The bottom line is that it is still not certain when the first half section of the road will be completed between Tall Cedars Parkway and Route 50. Until it is existing, Gum Springs Road will perform at substandard levels. OTS suggest that new traffic on this section of road should only come from by-right development until a half-section of the new West Spine Road is completed. It is noted that Phase 1 Church Sunday Traffic will be at the 378 daily trip level. In addition, church administration employees will generate 64 vehicle trips per weekday. The daycare center will generate 538 daily vehicles trips per weekday.

In comparison, the five proposed commercial uses will generate 8,250 weekday vehicle trips. The current two lane Route 659 cannot accommodate this traffic without sinking to even lower unacceptable service levels. This is not consistent with the Level of Service policies in the Countywide Transportation Plan.

Response:

We agree with OTS that traffic be limited to by-right traffic at this stage, until the full connection is made to Route 50. Since this link is outside the hands of the applicant at this stage, the OTS comments are valid. It is normal for new commercial developments to take some time before all approvals are obtained, construction completed, and being ready to occupy, by which time the issue of the completion of the West Spine Road should be clarified. This limitation on the applicant is not seen as a fatal impediment on development of this project.

2. Comment:

The bicycle/pedestrian facility should be ten feet wide.

Response:

The applicant agrees that the new VDOT standard for mutli-purpose trails is ten (10) feet in width, however it is respectfully requests that the width be allowed to remain at five feet wide or consistent with the existing adjacent developments.

3. Comment:

The applicant should reserve land at the southern portion of the western site for dedication at the request of the County. The precise location of the cul-de-sac has not been engineered at this time. OTS supports the abandonment of a section of existing Route 659. However, it cannot guarantee it at this time because a road abandonment is a separate process under state law. A public hearing is required as is approval by the BOS and VDOT.

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Response:

Agreed, and the applicant is open to reserving land at the southern portion of the western site for dedication once the precise location of the cul-de-sac is determined and if the abandonment of existing Route 659 is approved. There is sufficient land available at the end of this project (in terms of the western site) to accommodate a normal VDOT cul-de-sac of at least 30 feet radius (given the limited amount of traffic that would be served by this residue section of Gum springs Road).

We feel we have adequately addressed all comments and look forward to approval of this plan. Please do not hesitate to contact me should you have any questions.

With confidence,

A handwritten signature in black ink, appearing to be 'Russ Forno', with a horizontal line extending to the right.

Russ Forno
HNA Director of Planning

encl: Angler Environmental letter dated 20 September 2007

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